IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE C.N.RAMACHANDRAN NAIR

TUESDAY, THE 26TH JUNE 2007 / 5TH ASHADHA 1929

WP(C).No. 2052 of 2007(T)

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PETITIONER:

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M.THAHA, S/O.MOHAMMED KANNUR,
T.C.34/1249, AIRPORT ROAD,
VALLAKKADAVU (PO), PETTAH VILLAGE,
THIRUVANANTHAPURAM.

BY ADV. SRI.M.RAJAGOPALAN NAIR

RESPONDENTS:

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1. THE BRANCH MANAGER,
K.S.F.E., STATUE BRANCH,
THIRUVANANTHAPURAM.

2. THE SPECIAL DEPUTY TAHSILDAR (R.R.),
K.S.F.E. LTD., REGIONAL OFFICE,
SILVER JUBILEE BUILDINGS, STATUE,
THIRUVANANTHAPURAM.

3. THE MANAGING DIRECTOR,
K.S.F.E. LTD., THRISSUR.

BY ADV. SRI.M.L.SAJEEVAN, SC.,KSFE LTD.
G.P. SRI.BASANT BALAJI

THIS WRIT PETITION (CIVIL) HAVING BEEN FINALLY HEARD ON 26/06/2007, THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:

APPENDIX

PETITIONER'S EXHIBITS:

P1: TRUE COPY OF JUDGMENT DT.18.10.2006 IN WPC NO.22340/2004(H).

P2: TRUE COPY OF PROCLAMATION NOTICE ISSUED TO PETITIONER BY R2.

P3: TRUE COPY OF REPRESENTATION SUBMITTED BY THE PETITIONER BEFORE R1 DT.5.1.2007.

TRUE COPY

P.A. TO JUDGE

C.N.RAMACHANDRAN NAIR, J.

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W.P.(C) No.2052 of 2007

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Dated this the 26th day of June, 2007.

JUDGMENT

The petitioner availed two loans for Rs.2 lakhs each from KSFE in the year 2001. Even though he joined two chitties, after remitting Rs.1,20,000/- each in both the chitties, he discontinued from the chitties. The loan remained unpaid and since petitioner committed default in the chitties, he was not allowed to participate in the bids. Arrears now sought to be recovered is Rs.5,55,700/-. However, RR notice shows liability as Rs.6,39,430/-. Having regard to the circumstances and following the judgments in earlier cases, W.P. is disposed of directing the KSFE to adjust the credit balance in the chitty accounts three months after petitioner started discontinuing paying further subscriptions, against loan account and rework interest on the balance loan account, give credit for Rs.1 lakh paid under interim orders of this court and demand only the balance. There will be direction to the respondents not to recover any penal interest or collection charges, if balance arrears is paid in six equal instalments, first of which will be paid on or before 31.8.2007 and the balance on or before the last day of five succeeding months. However, if default is committed, the waiver of

penal interest and collection charges will stand cancelled and respondents will proceed for recovery of entire arrears.

C.N.RAMACHANDRAN NAIR
Judge

pms